

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-4, 6-9, 11-14, and 16 remain pending. By this communication, claims 2, 5, 7, 10, 12, and 15 are canceled without prejudice or disclaimer of the underlying subject matter and claims 1, 3, 4, 6, 8, 9, 11, 13, and 14, are amended.

Rejections Under 35 U.S.C. § 103

Claims 1-16 were rejected under 35 U.S.C. §103(a) as unpatentable over *Salgado* (U.S. Patent No. 6,504,621) in view of *Mishima* (JP Patent No. 11-041429). Applicants respectfully traverse this rejection.

Independent claim 1 recites the following:

A data processing apparatus, comprising:
an image reader for reading an original; a receiver capable of receiving an external job transmitted from an outside;
a transmitter capable of transmitting image data of the original read by said image reader as a scanning job to an outside;
a print device for printing data of the external job received by said receiver; one or a plurality of compressing/expanding devices for compressing the image data of the scanning job or the data of the external job and expanding the compressed data;
an operation device for instructing an activation of the scanning job in accordance with an operation of a user; and
a controller that discriminates whether an activation instruction of the scanning job is made by said operation device or from an outside in cases where a request for processing the image data of the scanning job by said one or a plurality of compressing/expanding devices is made when the data of the external job is being compressed or expanded by said one or a plurality of compressing/expanding devices, and controls execution of the external job and the scanning job by said one or a plurality of compressing/expanding devices depending on a discrimination result,
wherein said controller makes said one or a plurality of compressing/expanding devices execute processing of the external job and that of the scanning job in parallel when it is discriminated that the activation instruction of the scanning job is made by said operation device, and said controller makes said one or a plurality of compressing/expanding devices execute processing of the scanning job after a completion of the processing of the external job when it is discriminated that the activation instruction of the scanning job is made from outside.

Independent claims 6, and 11 similarly recite, in part, that said one or a plurality of compressing/expanding devices execute processing of the external job

and that of the scanning job in parallel when it is discriminated that the activation instruction of the scanning job is made by said operation device, and said one or a plurality of compressing/expanding devices execute processing of the scanning job after a completion of the processing of the external job when it is discriminated that the activation instruction of the scanning job is made from outside, wherein said controller makes said one or a plurality of compressing/expanding devices execute processing of the external job and that of the scanning job in parallel when it is discriminated that the activation instruction of the scanning job is made by said operation device, and said controller makes said one or a plurality of compressing/expanding devices execute processing of the scanning job after a completion of the processing of the external job when it is discriminated that the activation instruction of the scanning job is made from outside.

In numbered paragraph 3 beginning on page 2 of the Office Action, the PTO alleges that *Salgado* discloses every element recited in Applicants' claims except for one of plurality of compressing/expanding devices. The PTO relies on *Mishima* in an effort to remedy this deficiency. Applicants respectfully submit, however, that the combination of *Salgado* and *Mishima* fails to establish a *prima facie* case of obviousness.

Salgado discloses a system for managing a queue in a printing system. The system includes a printing machine 12 that is coupled to a network module 14. The printing machine includes a control module 16 coordinates the operation of the scanner and printer in a digital copying arrangement. The control module 16 includes video bus 28 and a bus arbiter 71. The arbiter 71 can resolve contentions on the bus 28 using at least two management methods. In one method, an algorithm can arrange to have jobs defined according to a job type, immediate walkup need,

history of interruptions and other factors (col. 11, line 7 through col. 12, line 13). For example, copy/scan and other walkup operations can be given highest priority, and NetPrint jobs can be favored followed by walkup jobs and then fax direct print job (see col. 15 line 56 - col. 16, line 16). In other words, when a higher priority job interrupts a lower priority job, the lower priority job is halted until the higher priority job is completed. There is no disclosure or suggestion in *Salgado* that can be interpreted as being analogous to controlling execution of the external job and the scanning job by said one or a plurality of compressing/expanding devices depending on a discrimination result, such that the controller makes said one or a plurality of compressing/expanding devices execute processing of the external job and that of the scanning job in parallel when it is discriminated that the activation instruction of the scanning job is made by said operation device. In contrast, *Salgado* discloses that either the lower priority or higher priority job is executed by the compressor/decompressor when contention occurs, but both cannot be executed at the same time (i.e., in parallel).

As noted above, the PTO relies on *Mishima* for its alleged disclosure of using a plurality of compression/elongation processing sections. Particularly, the PTO asserts that *Mishima* remedies the deficiencies of *Salgado* because it allegedly makes compression/decompression adjustments based on the image processing being formed (see Office Action, pg 4). However, even assuming *arguendo* that this interpretation is accurate and *Mishima* is combinable with *Salgado*, the resultant system and method still does not achieve the claimed results.

Mishima discloses that each of the plurality of compression/expansion processors is set based on the input data and the number of compression/expansion processors used is determined by a mode of operation (See Abstract). More

importantly, the techniques and methods described by *Mishima* are directed to the processing of a single print job. As discussed in col. 5, lines 55-65, operation of the compression/expansion processors are adjusted to complete a job having M copies of N documents. Upon careful inspection, Applicants could find no disclosure or suggestion that this technique could be applied for processing two print jobs based on the location from which the job instruction is received. Stated differently, *Mishima* fails to remedy the deficiencies of *Salgado* with respect to the controller making said one or a plurality of compressing/expanding devices execute processing of the external job and that of the scanning job in parallel when it is discriminated that the activation instruction of the scanning job is made by said operation device, as recited in Applicants' claims. Thus, while *Mishima* discloses that a CPU sets the compression/expansion processors based on an amount of input data (col. 5, lines 25-35), it still fails to resolve the deficiencies of *Salgado*.

Particularly, *Mishima* discloses that compression/decompression can be adjusted to complete the processing of image data of a single print job based on the mode or type of image processing. As a result, one of ordinary skill would not reasonably conclude that this teaching provides guidance with respect to compressing/decompressing two separate image processing jobs in parallel or in succession based on the whether the job instruction is generated internally or externally to the device.

On page of the Advisory Action dated September 9, 2008, the PTO alleges that although *Mishima* disclose processing of a single print job, because the print job may contain a plurality of pages it can in turn act as a plurality of print jobs. Applicants respectfully submit that this reasoning is conclusory and speculative, as there is no evidence either within the applied references themselves or within the

knowledge of the art, that one of ordinary skill would reasonably view or understand the disclosure of *Mishima* as such. In the event, the PTO continues to rely on this reasoning in the next communication, Applicants request that evidentiary support be provided. Applicants add that there appears to be no rational basis given the disclosures of both *Salgado* and *Mishima*, that would lead one of ordinary skill to reach the conclusions asserted in the Office Action, and more importantly achieve Applicants' claimed results.

In summary, *Salgado* and *Mishima* when applied individually or collectively fail to disclose or suggest every feature or the claimed combination of features recited in Applicants' claims. Namely, the combined teachings do not disclose at least discriminating whether an activation instruction of the scanning job is made by said operation device or from an outside in cases where a request for processing the image data of the scanning job by said one or a plurality of compressing/expanding devices is made when the data of the external job is being compressed or expanded by said one or a plurality of compressing/expanding devices, and controls execution of the external job and the scanning job by said one or a plurality of compressing/expanding devices depending on the discrimination result and making said one or a plurality of compressing/expanding devices execute processing of the external job and that of the scanning job in parallel when an activation instruction is made by the operation device, and making one or a plurality of compressing/expanding devices execute processing of the scanning job after completion of processing of the external job when the activation instruction of the scanning job is made from outside, as recited in Applicants' claims.

The Office is reminded that the Office has the initial burden of establishing a **factual basis** to support the legal conclusion of obviousness. In re Oetiker, 977

F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). For rejections under 35 U.S.C. § 103(a) based upon a combination of prior art elements, in KSR Int'l v. Teleflex Inc., 127 S.Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007), the Supreme Court stated that "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some **articulated reasoning with some rational underpinning** to support the legal conclusion of obviousness." In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006) (emphasis added). For at least the foregoing reasons, withdrawal of the rejection to independent claims 1, 6, and 11 and their corresponding depending claims is respectfully requested.

Conclusion

Based on at least the foregoing amendments and remarks, Applicants submit that claims 1, 3, 4, 6, 8, 9, 11, 13, 14, and 16 are allowable, and this application is in condition for allowance. Accordingly, Applicants request a favorable examination and consideration of the instant application. In the event the instant application can be placed in even better form, Applicants request that the undersigned attorney be contacted at the number below.

Respectfully submitted,

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